

Section 7

Traffic Regulations

This section primarily provides background information regarding the existing regulations and rulings that limit or restrict the use of sidewalks, roadways, and paths throughout the Metropolitan Planning Area (MPA). Specifically, local ordinances were reviewed to determine if any restrictions were present that did not allow bicycles to be operated on-street within the MPA. A brief synopsis of the *Boub versus Township of Wayne*,¹ an Illinois Supreme Court case, also is included as background information for the discussion of on-street bicycle facilities within the MPA.

7.1 State Traffic Regulations

The State of Illinois has adopted a series of bicycling laws that are applicable to all public roads, unless directly specified by a municipal or county ordinance. These laws include the following requirements:

(a) Any person operating a bicycle or motorized pedal cycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations: 1. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction; or 2. When preparing for a left turn at an intersection or into a private road or driveway; or 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a “substandard width lane” means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane. (b) Any person operating a bicycle or motorized pedal cycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable².

Additionally, bicyclists, if allowed to ride their bicycles on sidewalks, must adhere to the following State law:

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices. (c) A person propelling a bicycle upon and along a

¹ 183 Ill. 2d 520, 702 N.E. 2nd 535, 234 Ill. Dec. 195.

² Illinois Vehicle Code 625 ILCS. Section 11-1505. Position of bicycles and motorized pedal cycles on roadways—Riding on roadways and bicycle paths.

sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances³.

7.2 Municipal Traffic Regulations

Municipal codes throughout the MPA restrict activities that affect non-motorized vehicle circulation (See **Table 7-1, Pedestrian and Bicycle Use Regulations**). These activities range from merchandising on sidewalks, to loitering, and to inflicting damage to sidewalks and paths. The most abundant regulations are those that limit or define the use of sidewalks, roadways, and paths throughout the MPA. Four municipalities within the MPA have regulations detailing limitations placed on non-motorized vehicles and pedestrians. These regulations are presented in **Table 7-1**. Data was not provided for the Villages of New Millford and Poplar, whereas the remaining municipalities did not have regulations pertaining to non-motorized traffic.

Table 7-1 Pedestrian and Bicycle Use Regulations		
Jurisdiction	Source	Notes
Cherry Valley	Section 58-1. Supervision and Enforcement to Section 58-17. Private Use of Streets and Other Public Ways	
Loves Park	Sections 86-182. Riding Bicycles on Sidewalks to Section 86-189. Bicycle Route	
Rockford	Section 16-13 Use of Coasters, Roller Skates, and Similar Devices Restricted, and Section 16-77. Rules of Operation; Section 26-17. Driving on Sidewalks	Chapter 16: Article IV. Bicycles is of particular note.
Roscoe	Section 8-101 Crossing at Other than Crosswalks to Section 8-104 Pedestrians Chapter 12, Streets and Sidewalks; Blocking Streets or Sidewalks; Section 8-18 Riding Bicycle on Sidewalk, and Section 8-22 Roller Skates, Street Skates, and Skateboards	Bicycles may be ridden on sidewalks in areas other than business districts.

Village of Cherry Valley

Article I. In General of Chapter 58 Streets, Sidewalks, and Other Public Places and Article II. Operation of Chapter 70 Traffic and Vehicles of the Village of Cherry Valley Code of Ordinances outline the various acceptable behaviors for the use of sidewalks throughout the Village of Cherry Valley. In particular, the ordinances depict unlawful activities, such as game playing and merchandising for extended periods of time on sidewalks. Specifically, people are not allowed to use, operate, ride, or control any

³ Illinois Vehicle Code ILCS 625. Section 11-1512. Bicycles on Sidewalks.

personal use vehicle⁴ on any public street, parking lot, sidewalk, bicycle path, pedestrian walkway, pedestrian overpass, or right-of-way, except while participating in a parade authorized by the Village.⁵

City of Loves Park

Within the City of Loves Park, bicycle operation is restricted. In accordance with the following regulation, bicycles are not allowed to be operated on sidewalks:

People cannot drive, back, or lead any horse or other animal and/or cannot push, draw, propel, or operate any cart, wagon, sleigh, sled, bicycle, or other vehicle, except perambulators, children's bikes, tricycles, or invalid chairs over or upon any sidewalk in any public place or street within the limits of the City. People can do so only if crossing the same sidewalk to go into a yard or lot where no other suitable crossing or means of access is provided.⁶

Where permitted, however, bicycle riders can use the right sides of sidewalks, insofar as practical (Section 86-182-184).

According to Section 86-187 of the City Ordinances, three-wheeled bicycles are not allowed on any sidewalks that are located throughout the city proper. No mention is made in the regulations as to whether or not this applies to two-wheeled bicycles.

Despite the regulations limiting the use of bicycles, the City of Loves Park also encourages bicycle riding and assistance through their ordinances. Although not required, bicyclists within Loves Park are encouraged to obtain a city bicycle license. The requirements for this purchase are set forth within the regulations.

City of Rockford

The City of Rockford Code of Ordinances primarily details regulations concerning the behavior of pedestrians and non-motorized transportation users. The ordinances outline proper behavior at crosswalks and for the use of sidewalks.

Article IV. Bicycles Section 16-77. Rules of Operation regulates the operation of bicycles within the City of Rockford. It includes the following rules for bicycle operators:

(a) *Riders.*

- (1) A person propelling a bicycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person

⁴ Personal use vehicles are every motorized skateboard, scooter, motorized scooter, go-carts and all terrain vehicles (ATVs) or other similar device, excluding first and second division vehicles and wheelchairs.

⁵ Section 70-35 Use on Public Property Prohibited.

⁶ Section 70-19 Animals, Vehicles on Sidewalks.

upon such bicycle other than upon a firmly attached and regular seat thereon.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(b) *Riding on sidewalks.*

(1) No person shall ride a bicycle upon a sidewalk within a business district or in the downtown shopping mall.

(2) A person riding a bicycle upon a sidewalk shall use the right side of sidewalks insofar as practicable and shall yield the right-of-way to every pedestrian and when approaching a pedestrian from the rear shall give audible warning signal when at least twenty-five (25) feet from the pedestrian.

(c) *Clinging to vehicles.* No person riding a bicycle shall cling to or attach the bicycle or himself to any moving vehicle upon a roadway.

(d) *Riding in a group.* Persons riding bicycles upon a roadway shall not ride more than two (2) abreast, and, where traffic volume indicates, shall not ride other than single file. Persons riding bicycles upon a path, lane, or route set aside for the exclusive use of bicycles may ride other than herein provided if conditions so warrant.

(e) *Carrying articles.* No person riding a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(f) *Parking bicycles.* No person shall park a bicycle in a manner which interferes with pedestrians or persons getting into or out of vehicles.

(g) *Bicycle path or lane.* Persons riding bicycles shall avoid the roadway and ride in bicycle lanes or paths where such lanes or paths are provided and which run adjacent to and in the same direction of travel as the roadway; provided, however, that bicyclists may, in exercise of due caution, ride into the roadway to avoid debris, broken glass, or any hazardous situation, or to pass slowed moving bicycles. It is further provided, however, that in the absence of a physical defect or broken or deteriorated condition of a sewer grate, the city shall not be liable for any injury to person or property as a result of any person riding or walking a bicycle over a sewer grate.

(h) *Hazardous riding.* No person while riding a bicycle may engage in an activity which, in the circumstances, is or may foreseeably become a hazard to that person or to other persons, including pedestrians and persons in other vehicles.

Of particular note are the regulations that prohibit bicycles from being driven along sidewalks within a business district or a in a downtown shopping area and that which relieves the City of Rockford from liability if any person or property is injured as a result of a person riding or walking a bicycle over a sewer grate.

Village of Roscoe

The regulations described within the context of the Village of Roscoe Code of Ordinances primarily refer to the behavior of pedestrians and acceptable areas of operation of non-motorized vehicles. The relevant ordinances are as follows:

Section 8-18. Riding Bicycle on Sidewalk

Bicycles may be ridden on sidewalks in areas other than business districts.

Section 8-101. Crossing at other than crosswalks (see **Figure 7-1, Village of Roscoe Crosswalk**).

- (a) Every pedestrian crossing a roadway at any place other than a crosswalk shall yield the right-of-way to all vehicles upon the roadway.
 - (b) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (Code 1972, §§ 14-248, 14-251)

Section 8-102. Crossing to be by the shortest route

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing.

(Code 1972, § 14-252)

Section 8-103. Crossing at certain intersections.

At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway, other than with released traffic, if such crossing interferes with the lawful movement of traffic.

(Code 1972, § 14-253)

Section 8-104. Pedestrians blocking street or sidewalks

- (a) No person shall stand upon any sidewalk except as near as reasonably possible to the building line or curblineline, if such standing interferes with the use of said sidewalk by other pedestrians.
 - (b) No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.
 - (c) No person shall engage in any game, sport, amusement, exhibition or show, or indulge in or perform any feat or act in a street, alley, sidewalk or other public place which shall collect a crowd of persons, so as to cause unnecessary noise or interfere with the passage of vehicles or persons.
- (Code 1972, §§ 20-8—20-10, 14-256)



Figure 7-1
Village of Roscoe Crosswalk

Similar to the Cities of Loves Park and Rockford, bicycles are not allowed for use on sidewalks within business districts.

7.3 Boub v. Township of Wayne

Boub v. Township of Wayne is a 1998 Illinois Supreme Court case. The plaintiff, Jon P. Boub, brought suit against the Township of Wayne in DuPage County, Illinois for injuries sustained by him in a bicycle accident on a Wayne Township bridge. This case is of particular importance to RATS as considerations are made to construct on-street bicycle facilities.

The accident involved the plaintiff being thrown from his bicycle when his front tire became stuck between two planks of a wooden bridge. Asphalt patching between the planks had been removed as part of a bridge renovation project in preparation for the installation of a different bridge deck.

The ruling was based on case law showing that the plaintiff had to be both a permitted and an intended user of the bridge in order to claim negligence. The Court ruled an affirmation of appellate court decisions, thus ruling in favor of the Township of Wayne.

The implications of this case are cited by state, county, township, and municipal governments throughout Illinois, as well as bicycle advocacy groups. The implications of this decision range from signage determinations, proposed legislative solutions, and affects on construction of bicycle facilities. Municipalities within the MPA also have reacted to this case proceeding. As noted by the League of Illinois Bicyclists, the following activity regarding bicycle use in the MPA has occurred since this decision:

- Winnebago County and the City of Rockford are no longer Grand Illinois Trail partners for county roads and city streets. The Boub decision was a key factor in Winnebago County's decision to build much more expensive off-road trails, instead.⁷

The Boub v. Wayne decision has created a difficult decision for local government risk managers, as they do not want to take responsibility for bicyclists' injuries. The ruling of the case specifically applies to road conditions on streets marked or signed as bicycle routes. For this reason, municipalities within the MPA have been hesitant to support on-street bicycle facilities. This notion was confirmed in interviews conducted in August and September 2006 (see **Section 11.2, Stakeholder Interviews**). Local government

⁷ League of Illinois Bicyclists. "Examples of the Powerful Effects of the Boub Disincentive, since 1998." <http://www.bikelib.org/boubcase/disincentivelist03.htm>.

officials, both elected and appointed, cited this case specifically as the rationale for not supporting on-street facilities.

7.4 Recommendations

As regulated within Loves Park, Rockford, and Roscoe, bicycles are not permitted on sidewalks in specified areas. This trend should continue, as long as alternative, safe facilities are provided.

Additional measures should be included within the regulations to help ensure that bicycles can be operated comfortably on both on and off-street facilities. Special attention should be made to on-street facilities in order to address concerns regarding the *Boub v. Wayne*. Municipalities may consider adopting regulations for on-street facilities on a case-by-case basis.

Municipalities also may want to consider adopting regulations based on bills that currently are being presented and re-worked within the Illinois House and Senate. These regulations allow for bicyclists to be recognized as intended and permitted users of any roadway within the MPA, except for those which specifically are prohibited by the Illinois Department of Transportation or a by a local public entity. These regulations further provide for language that “does not create liability for any public entity for the creation of, the existence of, or failure to remedy any specified type of condition that caused injury to a person riding a bicycle, if that condition meets the standard of care required for a passenger car.”⁸

⁸ Amendment to the Illinois Vehicle Code. HB4907.